18. 28.02.2017 Heard learned counsel for the parties.

2. This writ petition is taken up for hearing pursuant to the direction of Honble Supreme Court dated 27.03.2009 in Civil Appeal No.1966 of 2009 [arising out of SLP (C) No. 4166 of 2007].

3. Honble Supreme Court, by order dated 27.03.2009, while disposing of the aforesaid appeal, directed as under:

5. We find that neither the Labour court nor the High Court considered the relevant aspects like whether the Agricultural Department of the Government of Orissa is an Industry and that whether there was any scope for being regularised when admittedly the Labour court found that the respondent was engaged on casual basis. The other question was whether there was any termination or whether the respondent had abandoned the work. These factors apparently have not been considered. Further the question whether the respondent had worked for more than 240 days in a calendar year has also not been considered in the proper perspective. That being so, the impugned order cannot be maintained and is set aside. The matter is remitted to the High Court to consider the relevant aspects afresh.

6. The appeal is allowed.

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4. This writ petition has been filed by the State of Odisha, represented through Deputy Director, Agriculture (Information) Odisha, (Petitioner No.1) and the Management of M/s. Information and Publication Printing

Press, (Petitioner No.2), assailing the award dated 21.02.1997 (Annexure-1), passed by learned Presiding Officer, Bhubaneswar, in I.D. Case No. 71 of 1988, holding that the termination of service of the Workman-opposite party No.1 by the Management-petitioner No.2 as illegal and unjustified and that the Workman is entitled to be reinstated in service without any back wages, save and except wages from the date of the award. Assailing the said award, the petitioners preferred this writ petition, which was dismissed vide order dated 22.06.2005, confirming the impugned award under Annexure-1.

5. Assailing the same, the petitioners moved Honble Supreme Court in SLP (C) No. 4166 of 2007, which was subsequently converted to Civil Appeal No.1966 of 2009 with the leave of the Honble Supreme Court. Honble Supreme Court has been pleased to hold that neither the Labour Court nor this Court had considered relevant aspects as to whether the Department of Agriculture, Government of Odisha is an industry within the meaning of the Industrial Disputes Act, 1947 (for short, the I.D. Act). Further, the scope of regularization of the Workman-opposite party No.1 was not considered by the Courts below. The question as to whether there was termination of service of Workman-opposite party No.1 or he had abandoned his services was not considered by learned Courts below. Another vital aspect as to whether the Workman had completed 240 days in a calendar year preceeding his termination, was also not considered in its proper perspective by the Courts below. Accordingly,

Honble Supreme Court set aside the order of this Court and remitted the matter to this Court for fresh adjudication.

6. Upon hearing learned counsel for the parties and on perusal of the records, it appears that the aforesaid aspects as pointed by the Honble Supreme Court, needs factual adjudication.

7. In that view of the matter, we have no hesitation to set aside the impugned award under Annexure-1 and remit the matter back to the learned Labour Court for fresh adjudication, taking into consideration the aspects as pointed out by the Honble Supreme Court, giving opportunity of hearing to the parties to adduce further evidence in the matter.

Since the reference in question was made in the year 1999, learned Labour Court shall do well to adjudicate the reference as expeditiously as possible, preferably within a period of six months from the date of receipt of certified copy of this order.

8. With the aforesaid direction, the writ petition is allowed.

Issue urgent certified copy of this order be granted on proper application.

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S.C. Parija, J.

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K.R. Mohapatra, J.

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